

**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

*DECISION*

**Applicant:** Amherst Baseball Leagues, P.O. Box 445, Amherst, MA 01004

**Owner:** Town of Amherst Recreation  
Town Hall, 4 Boltwood Avenue, Amherst, MA 01002

**Date application filed with the Town Clerk:** April 10, 2009

**Nature of request:** Request Special Permit to install an oversized sign (scoreboard) under Section 8.101 of the Zoning Bylaw, at 205 Triangle Street.

**Address:** 205 Triangle Street (Map 11D, Parcel 269, R-G Zone)

**Legal notice:** Published on April 22 and April 29, 2009 in the Daily Hampshire Gazette and sent to abutters on April 22, 2009

**Board members:** Barbara Ford, Hilda Greenbaum and Al Woodhull

**Submissions:**

- Copy of the application, filed with the Town Clerk on April 10, 2009;
- Conceptual Drawing, undated, showing scoreboard design with “Amherst” on top and “Home” on the bottom;
- Site Plan from Amherst GIS Viewer, dated February 11, 2009, showing utilities and proposed location of the scoreboard between two light poles at the western corner of Community Field, adjacent to the restroom building;
- Site Plan from Amherst GIS Viewer, dated February 11, 2009, showing proposed location of the scoreboard with reference to grassy field;
- Drawing prepared by Hampden Engineering Corporation, dated March 30, 2009, showing dimensions and installation details for the scoreboard;
- Design Review Board Memorandum #2009-04, dated April 21, 2009, outlining the Board’s review and recommendations regarding the scoreboard from its April 13, 2009, meeting.
- Email from Peter Ziomek to Jeffrey Bagg dated April 30, 2009, regarding details about the scoreboard;
- Email from Peter Ziomek to Jeffrey Bagg dated May 1, 2009, regarding details about the scoreboard;
- Site Plan from Amherst GIS Viewer, dated May 1, 2009, showing topography of Community Field and surrounding area;
- Memorandum, ZBA FY2009-00034, prepared by staff, dated May 1, 2009;
- Conceptual Drawing, undated, received May 7, 2009, at public hearing, showing scoreboard design with “Visitor” on top and “Amherst” on the bottom;

**Site Visit:** May 4, 2009

Barbara Ford, Hilda Greenbaum and Al Woodhull met with Peter Ziomek, representing Amherst Baseball Leagues, on the site. The Board observed the following:

- The location of the baseball field at Community Field on Triangle Street, at the intersection of Triangle, Taylor and Mattoon Streets;
- The proximity of the softball and football fields, all located at Community Field;
- The single-family and multi-family residential buildings located across the street;
- The nearby Amherst High School building and fields and the nearby War Memorial Pool;
- The restroom building from which the scoreboard will receive electric power;
- The football scoreboard, located at the far end of Community Field, that is approximately the same size as the baseball scoreboard being proposed;
- The size of the football scoreboard that is approximately 9'-0" wide, with the bottom of the scoreboard at 9'-0" above the adjacent ground;
- The proposed location of the baseball scoreboard between the two existing light poles at the top of the slope leading down to the pool area.

**Public Hearing:** May 7, 2009

Ms. Ford made a disclosure with regard to the appearance of a conflict of interest. Ms. Ford stated that Peter Ziomek, who represents the applicant, was her attorney on occasion and that Mr. Ziomek and her son had been school friends. She declared that this association would not affect her decision in this case and that she had filed the appropriate disclosure with the town authorities.

Ms. Greenbaum stated that she and the Ziomek family are neighbors, although not immediate abutters, in North Amherst, and that this association will not affect her decision in this case.

Planning Department staff suggested that the Board consider the applicant's request for a fee waiver, since the scoreboard is being donated to the town and will be installed on town-owned property.

Ms. Greenbaum MOVED that the Board grant a waiver of the application fee for the Amherst Baseball Leagues. Mr. Woodhull seconded and the Board VOTED unanimously to approve the fee waiver.

Peter Ziomek presented the application on behalf of the Amherst Baseball Leagues. He made the following statements:

- The Amherst Baseball Leagues are proposing to install a baseball scoreboard at the baseball field at Community Field;
- The baseball field is named after Stan Ziomek, Peter's father;
- The baseball leagues have used the football scoreboard in the past, but the baseball function of the football scoreboard is now broken and would be prohibitively expensive to repair;
- Mr. Ziomek mentioned this difficulty to a friend who offered to pay for a new baseball scoreboard, to celebrate Stan Ziomek's 50 years in Amherst baseball;

- The donation is being offered in conjunction with the 250<sup>th</sup> Anniversary of the Town of Amherst, as well as to honor Stan Ziomek;
- The donor asked that the scoreboard contain a tribute to Stan Ziomek;
- The top of the scoreboard is proposed to have an additional panel that will contain the words “Stan Ziomek Diamond”;
- Since the scoreboard will contain this additional lettering it must be approved by the Zoning Board of Appeals, as a sign;
- The field is used by the High School baseball teams, the American Legion teams, the Mickey Mantle teams and the Babe Ruth League, serving young people from age 13 to 19;
- The scoreboard will be an LED lighted scoreboard and it will be operated by a wireless remote control;
- It will cost about \$1.00 per game for the electricity to operate the scoreboard, which will be paid by the Amherst Baseball Leagues; they will pay the difference between current electrical usage and electrical usage after the scoreboard is installed;
- The electrical service will come from the restroom building which is separately metered;
- The wiring will be run underground;
- The location of the scoreboard will be in left field on the hill which overlooks the existing wading pool, between the two existing light towers;
- The upright supports of the scoreboard will be padded to avoid injury to players; the padding on the supports will be similar to that on the light towers;
- It is rare that a ball is hit that far, but the padding is essential for safety;
- The scoreboard panel will be 18 feet wide and 8 feet tall;
- The top of the scoreboard panel will be 18 feet off the ground;
- The base of the scoreboard will be 10 feet off the ground;
- The scoreboard will be maroon with white lettering;
- The back of the scoreboard will be solid metal, silver in color, with no lettering;
- The lights will have a dimmer capability; there will be no glare from the lights;
- The lights have low output and there will not be any impact to anyone living nearby.

Mr. Ziomek presented a revised Conceptual Drawing of the scoreboard, showing the word “Visitor” on top and the word “Amherst” on the bottom. This is different from the drawing that had been submitted with the application which had “Amherst” on top and “Home” on the bottom. Mr. Ziomek noted that the Design Review Board had recommended that the lettering for “Stan Ziomek Diamond” be similar to the lettering on the rest of the scoreboard – a font similar to Arial sans serif. The applicant was willing to make that change, although the revised drawing did not include the change. The Zoning Board discussed whether the lettering should be changed.

The Planning Department staff asked for clarification as to the height of the entire scoreboard and noted that the scoreboard, including the additional panel with the lettering “Stan Ziomek Diamond”, appeared to be taller than 18 feet. Mr. Woodhull noted that the portion with the lettering appeared to be two feet tall on top of the 18 foot tall scoreboard structure. The Board determined that the additional panel with the lettering was in fact two feet tall, using a scale for a proportional measurement. [Thus the entire scoreboard structure with the additional panel will be 20 feet tall.]

Ms. Greenbaum stated that she liked the font with serifs and with capitals and lower case letters for the additional lettering.

Mr. Ziomek stated that the applicant preferred the fonts shown on the drawing, including the font with serifs for “Stan Ziomek Diamond”.

Ms. Greenbaum stated that the lettering with the serifs stands out from the rest of the scoreboard.

Mr. Woodhull stated that he didn’t feel qualified to enforce aesthetics. He wouldn’t mind either font. Ms. Ford stated that she didn’t think the fonts as presented were offensive in any way. Mr. Ziomek passed around a catalog illustration of a scoreboard with all straight (sans serif) letters on a sign on top of the scoreboard as an example of what the proposal might look like without serifs.

Ms. Ford asked if anyone had any problems with the height or the placement of the sign. No one expressed comments or concerns.

There were no comments from the public and no comments from the Building Commissioner, Bonnie Weeks.

Ms. Greenbaum MOVED to close the public hearing. Mr. Woodhull seconded and the Board VOTED unanimously to close the public hearing.

**Public Meeting: May 7, 2009**

During the public meeting the Board drafted conditions and findings that would be appropriate if the Special Permit were to be approved.

**Findings:**

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 and 10.381 – The proposal is suitably located in the neighborhood and is compatible with existing uses because the scoreboard will be located on an existing baseball diamond and it is similar to the other scoreboard (for football) that exists on the other side of the field.

10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because the lights will be low voltage lights and will not shine or glare onto adjacent properties.

10.383 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians because pedestrians (other than ball players) and vehicles do not generally go into the outfield and the supports for the scoreboard will be padded to protect anyone who does bump into them.

10.384 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because electrical service will be provided via an underground connection from the nearby restroom building.

10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations of the Bylaw because there will be no parking on the site and the applicant appropriately applied for a Special Permit, under Section 8.101 of the Bylaw, to allow a sign larger than 12 square feet in a Residential District.

10.387 – Not applicable.

10.388 – Not applicable.

10.389 – Not applicable.

10.390 – Not applicable.

10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features because the scoreboard will be integrated with site features that are already there and the scoreboard is something that one would expect to find at a baseball field.

10.392 – Not applicable.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because the lights will be low voltage lights and will not shine or glare onto adjacent properties.

10.394 – The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands because the supports for the scoreboard will be installed on flat ground, at the top of the slope, and not on the slope, there are no scenic views in the direction of the scoreboard and there are no wetlands on the site.

10.395 – Not applicable.

10.396 – Not applicable.

10.397 – Not applicable.

10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw because it promotes the health safety, convenience and general welfare of the inhabitants of the Town of Amherst. A scoreboard is a normal and expected accessory sign structure associated with a ballfield. By facilitating use of the field, the scoreboard promotes physical exercise and enhances activity on the sports field and thereby promotes the town's social and cultural life.

#### **Public Meeting – Zoning Board Decision**

Mr. Woodhull MOVED to approve the findings under Section 10.38, as drafted. Ms. Greenbaum seconded the motion and the Board VOTED unanimously to approve the Findings.

Ms. Greenbaum MOVED to accept the picture of the scoreboard as a prototype for the sign, to be situated between the two light poles at Ziomek Field, with the sign to be built in accordance with the plans and drawings submitted and to be essentially like what is shown on the drawings, with two fonts, with the conditions as drafted. Mr. Woodhull seconded and the Board VOTED unanimously to accept the scoreboard, with conditions.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit for the installation of the oversized sign (scoreboard) under Section 8.101 of the Zoning Bylaw at 205 Triangle Street, as requested in the application submitted by the Amherst Baseball Leagues, at 205 Triangle Street, (Map 11D, Parcel 269), with conditions.

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BARBABA FORD

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HILDA GREENBAUM

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AL WOODHULL

FILED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2009 at \_\_\_\_\_,  
in the office of the Amherst Town Clerk \_\_\_\_\_.

TWENTY-DAY APPEAL period expires, \_\_\_\_\_ 2009.

NOTICE OF DECISION mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2009  
to the attached list of addresses by \_\_\_\_\_, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
in the Hampshire County Registry of Deeds.

**Town of Amherst**  
**Zoning Board of Appeals**

*SPECIAL PERMIT*

The Amherst Zoning Board of Appeals hereby grants Special Permit, ZBA FY2009-00034, for the installation of an oversized sign (scoreboard) under Section 8.101 of the Zoning Bylaw, as requested in the application submitted by the Amherst Baseball Leagues, at 205 Triangle Street, (Map 11D, Parcel 269), with the following conditions:

1. The sign shall be built and installed in accordance with the site plan and drawings approved by the Board on May 7, 2009.
2. The sign shall be located in accordance with the site plan approved by the Board on May 7, 2009.
3. If there are any substantial changes to the design, dimensions or location of the sign the changes shall be presented to the Board for approval at a public meeting.
4. The vertical supports for the sign shall be covered with padding, in a manner similar to the padding on the light towers, to prevent injury to baseball players and others.
5. The sign and its supports and padding shall be continuously maintained.

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BARBARA FORD, Acting Chair  
Amherst Zoning Board of Appeals

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DATE